Appl. No. 10/696,014
Amdt. dated February 18, 2010
Reply to Office Action of October 19, 2009

PATENT

REMARKS

Claims 1-22 have been examined. Claims 1, 11, 16, 19, 20 and 21 have been amended. New claim 23 has been added. Claims 9, 10, 13, 17 and 18 have been canceled. Reconsideration of the claims, as amended, is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 1-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Goldstein in view of Risafi. This rejection is respectfully traversed in part and overcome in part.

As now amended, independent claim 1 claims a method for activating a plurality of gift cards at a point of sale device. According to the method, a first card number corresponding to a first card in a series of cards is entered into a point of sale device. Also, a last card number corresponding to a last card in the series of cards is entered into the point of sale device. Further, a total number of cards to be activated is also entered into the point of sale device. A calculated number of cards in the series is calculated based on the first card number and the last card number. The entered total number of cards is compared with the calculated number of cards to confirm whether the entered total number matches the calculated number. The cards are activated if the comparison shows that the entered total number of cards matches the calculated number of cards.

Neither Goldstein nor Risafi discloses the step of entering three pieces of information into a point of sale device: a first card number, a last card number and the total number of cards. Further, neither Goldstein nor Risafi teaches a calculation of the number of cards based on the first card number and the last card number and then comparing this with the total number cards entered. At best, Goldstein describes the following: "To activate a smaller series of cards within a selected bundle, sleeve, etc., the first and last cards in the series may be identified to the card tracking database." (See column 3, lines 39-42). While the Risafi patent discloses a communication network that allows for activation on a real-time basis, either one account at a time or batch mode, it nowhere describes entering a first card number, a last card

number, and a total number of cards and then performing a comparison as set forth in claim 1. Hence, independent claim 1 and dependent claims 2-8 are distinguishable and in condition for allowance. It is therefore respectfully requested that the §103 rejection of these claims be withdrawn.

As now amended, independent claim 11 claims a method of validating a plurality of gift cards. As part of the method, various information is received from a point of sale device including a first indicator of a first card and a second indicator indicative of a total number of cards. Prior to activating each of the cards, they are validated by determining from the first card a card type and an activation amount. For each of the remaining cards, a determination is made to see if they are of the same card type and the same activation amount as the first card. If so, a signal is sent to the point of sale device indicating that the cards may be activated. Conversely, if any do not match, a signal indicating such is sent to the point of sale device.

The Goldstein patent fails to describe entering a first card number and a total number of cards and as such fails to teach this limitation. Moreover, when activating the cards in Goldstein, all that is provided is the first and last cards in the series. Nowhere is there any discussion of determining the first type of card and an activation amount and then comparing these with the remaining cards to determine whether they are of the same card type and amount.

The Risafi patent also fails to teach each of these limitations. Indeed, the Office Action admits that: "Risafi does not specifically disclose a process for checking if cards are of the same type, *per se*." While Risafi may indicate that the cards may be activated in a batch, this in no way describes a process of determining the first card type and an activation amount and then determining whether the remaining cards match these criteria. Still further, neither Goldstein nor Risafi sends a signal back to a point of sale device indicating the outcome of the validation process and basing activations upon that validation step. As such, claim 11 is clearly distinguishable and in condition for allowance. Claims 12 and 15 depend from claim 11 and are also distinguishable and in condition for allowance.

As now amended, independent claim 16 claims a method for activating a plurality of gift cards using a point of sale device. As part of the activation process, a card type and an activation amount are determined for the first card. Also, for each remaining card a

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determination is made whether they are of the same card type and same activation amount. As previously described in connection with independent claim 11, neither Goldstein nor Risafi teaches these limitations. Hence, independent claim 16 and dependent claims 19 and 20 are distinguishable over Goldstein and Risafi for at least the reasons previously recited in connection with claim 11.

Independent claim 21 as now amended claims a method for selling gift cards and comprises providing a plurality of cards having sequential card numbers. The plurality of cards are secured within a common package that holds the plurality of cards together as a set. Using a scanner at a point of sale device, a first card number is scanned from a first card of the set. This first card is scanned while the plurality of cards are secured within the package. Also, the last card is electronically read from a last card in the set. Each of the cards is activated based on the first card number from the first card and the last card number from the last card. Support for such limitations may be found at, for example, paragraphs 0028 and 0039.

While the Goldstein patent does teach activation by identifying a first and last card in a series, there is no discussion in Goldstein of scanning with a scanner the first card from the set while it remains within the packaging. Also, there is no discussion of electronically reading the last card of the last card in the set. Indeed, with Goldstein the cards are loosely held within a tray. As such, Goldstein clearly fails to describe a scanning or electronic reading step as now presented in independent claim 21. Hence, claim 21 as now amended is distinguishable and in condition for allowance.

Also, Applicant would like to bring to the attention of the Examiner U.S. Patent No. 7,614,548 and in particular to independent claims 1, 23, 24 and 28. It is believed that claim 21 is broader in scope than these claims.

The rejection of independent claim 22 is respectfully traversed. Claim 22 includes a package for a plurality of cards and a package identifier on the package. This package identifier comprises a first identifier indicating a first card number and a total number of cards in the package. With Goldstein, all that is described is activation by use of first and last cards in a series. There is no discussion of placing a plurality of cards within a package in Goldstein, nor is there any discussion of labeling this in the manner claimed. The Risafi patent also fails to

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include any of these limitations. Hence, claim 22 is distinguishable and in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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